

AMENDMENTS TO THE DRAWINGS:

The attached drawings include changes to Figs. 2, 3, 4 and 5 . These sheets, which include Figs. 2, 3, 4 and 5, replace the original sheets including Figs. 2, 3, 4 and 5. The amendments to Fig. 2 are to show subscripts of various elements (as requested in the Office Action). The specification is also amended accordingly. Further, Figs. 4 and 5 are amended to correct typographical errors.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

REMARKS

Claims 1-25 are pending in this application. By this Amendment, Figs. 2, 4 and 5, the specification and claims 1-20 and 25 are amended. Various amendments are made to the specification and claims for clarity, and are unrelated to issues of patentability.

Applicant gratefully acknowledges the courtesies extended by Examiner Amsbury during the telephonic interview on May 24 with applicant's representative, Mr. Oren. The substance of the interview is incorporated in the following remarks

The Office Action rejects claims 18-25 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, and rejects claims 1-25 as failing to comply with the written description requirement. The Office Action also rejects claims 1-25 under 35 U.S.C. §112, second paragraph. The rejections are respectfully traversed.

The Office Action appears to question the discussion in the specification regarding synchronization. More specifically, the Office Action appears to state on the top of page 4 that the actions described in the specification "do not synchronize any pair of databases in the system, as there are at least three network elements NE_i." However, the specification clearly describes synchronization between an EMS and NEs. See page 4, lines 4-6 as well as page 1, lines 7-9. The specification also clearly includes a description of Fig. 4 beginning on page 6, line 17 relating to synchronization between the element management system (EMS) and a network element (NE). The specification also describes that when the data transmission of the last block succeeds, the database synchronization between the EMS and the NEs is finished. See page 7,

lines 10-13. During the telephonic interview, applicant's representative discussed database synchronization between the EMS and one of the NEs.

The Office Action states at the bottom of page 3 that at one point the EMS_CM contains all of the changes for NE_i for $i = 1 \dots n$ since the last synchronization cycle, but no other component of the system does. However, the EMS contains data similar to data in at least one of the NEs (and may include data the same as the other NEs). The Office Action references the synchronization of a pair of databases at the top of page 4. In order to avoid any ambiguity on the part of the Patent Office, the "database synchronization" within the preambles have been deleted. Thus, the Office Action's concerns have been resolved. Applicant's representative explained during the personal interview that they would amend the preambles in an attempt to resolve these issues.

Applicant also respectfully notes that 35 U.S.C. §112, first paragraph, relates to the invention (i.e., the claims) and the invention's correspondence with the written description. The intent of the Title, Abstract and Specification does not necessarily relate to a rejection under 35 U.S.C. §112, first paragraph. Rather, the claimed subject matter is relevant to rejections under 35 U.S.C. §112, first paragraph. The subject matters of claims 1-25 are adequately described in the present specification to satisfy the written description and enablement requirement.

On page 4, lines 7-11, the Office Action appears to state that subscripts should be provided with respect to each of the components. However, Fig. 2 shows elements NE₁, NE₂...NE_n in which the "n" may be considered as a subscript. Additionally, the description

with regard to Fig. 4 clearly relates to a NE_i transmitting data to the EMS. One skilled in the art would clearly understand that the description is with regard to an NE component and that these operations may be performed for various NE components. However, in an effort to further prosecution, applicant has amended the specification on page 5 to add subscripts to NE components such as NE_DB 130₀...130_n, NE_CM 150₀...150_n and NE_RM 140₀...140_n. Fig. 2 is similarly amended. No new matter is added.

In the paragraph bridging pages 4 and 5, the Office Action appears to question the use of the header bit to recognize various components of various network elements (NEs). In order to clarify the Office Action's concerns, the specification has been amended on page 5, lines 10-16 to recite a header bit field, an EndFlag bit field and a data bit field. Claims 7, 13 and 25 have been similarly amended. This corresponds to the Fig. 3 discussion and one skilled in the art would clearly understand from Fig. 3 and the corresponding discussion in the specification that these clarifications relate to specific fields. No new matter is added.

On page 5 (item 5), the Office Action rejects the claims because the preambles of claims 18-25 state they claim a method of the synchronization of an EMS. However, previous claims 18-20 recited "a method for database synchronization in a network element management system" and claims 21-25 recited "a synchronization method." These claims did not recite synchronization of an EMS as alleged. In view of the Office Action's concern regarding the terminology database synchronization, various claims are amended to recite "a method" in the preamble. Thus, this rejection should be withdrawn as the preamble of the claims do not recite

“synchronization of an EMS.” The specification adequately supports “a method” under 35 U.S.C. §112, first paragraph. Withdrawal of the rejection under 35 U.S.C. §112, first paragraph (enablement requirement) is respectfully requested.

On the paragraphs bridging pages 5 and 6, the Office Action appears to state that the claims contain subject matter related to synchronization that are not supported in the details of the disclosure. As discussed above, the pending claims do not specifically recite synchronization. Further, the specification does support synchronization between an EMS and a NE at least at page 1, lines 7-9; page 4, lines 4-6 and the discussion of Fig. 4 (especially page 7, lines 10-13). Therefore, the rejection under 35 U.S.C. §112, first paragraph (written description) should be withdrawn.

On page 6, the Office Action states that applicant has repeatedly stated that the invention is regarded as a database synchronization, and that the Field of the Invention and the object of the invention in the summary is stated to be a method for database synchronization. The Office Action then states that the claims differ from the invention because none of the claims synchronize databases. Applicant respectfully submits that this rejection should be withdrawn as the claims set forth subject matter which applicant regards as the invention. Withdrawal of this rejection is respectfully requested.

On the last paragraph on page 6, the Office Action states that none of the claims are related to “database synchronization” and therefore it is not clear how they relate to the stated intent of the preambles of the claims. However, as discussed above, the current preambles do

Serial No. 09/469,307
Reply to Office Action dated April 12, 2005

Docket No. P-0056

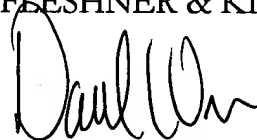
not recite database synchronization. Thus, the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-25 are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK/DCO:tlg:knv
Date: July 6, 2005

Please direct all correspondence to Customer Number 34610



FIG. 2

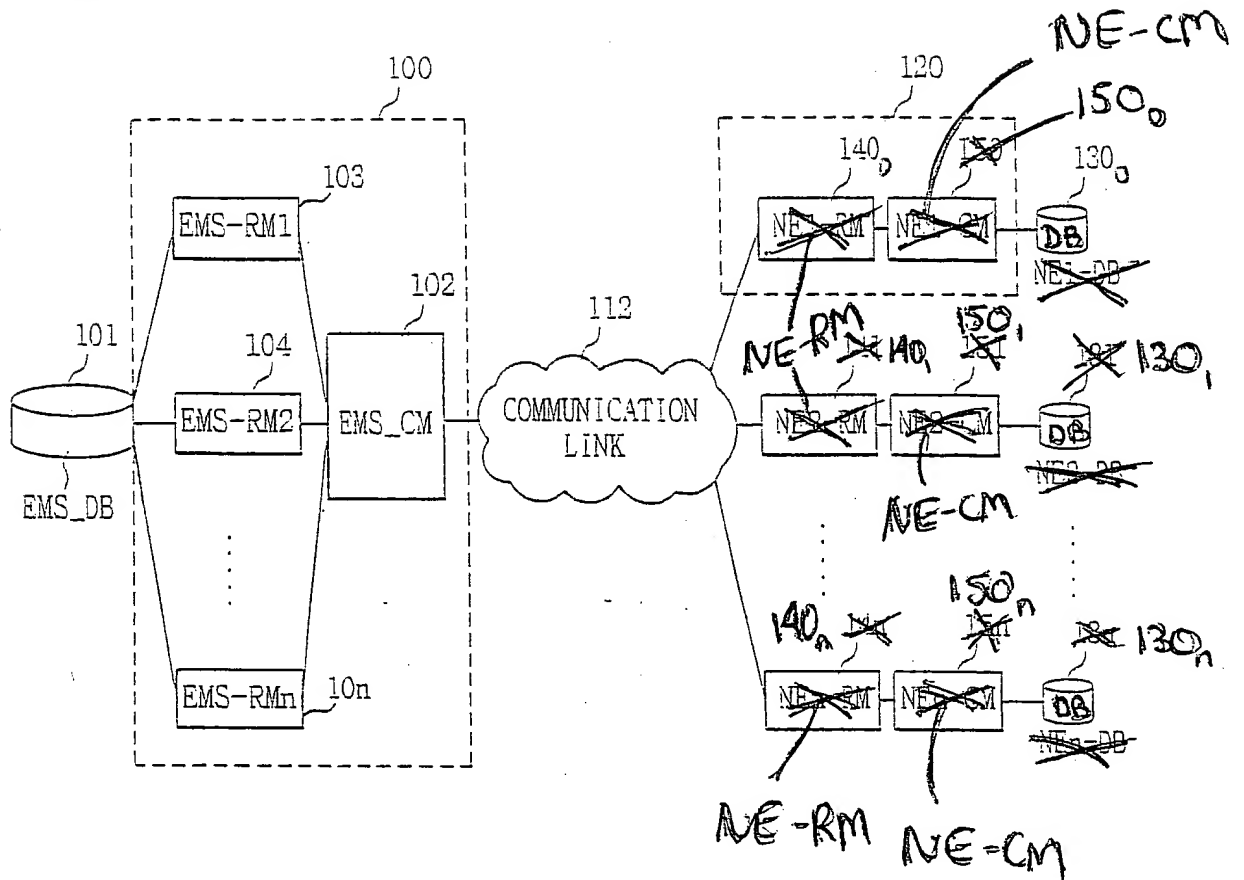


FIG. 3

HEADER BIT	END FLAG BIT	DATA BIT
------------	--------------	----------



FIG. 4

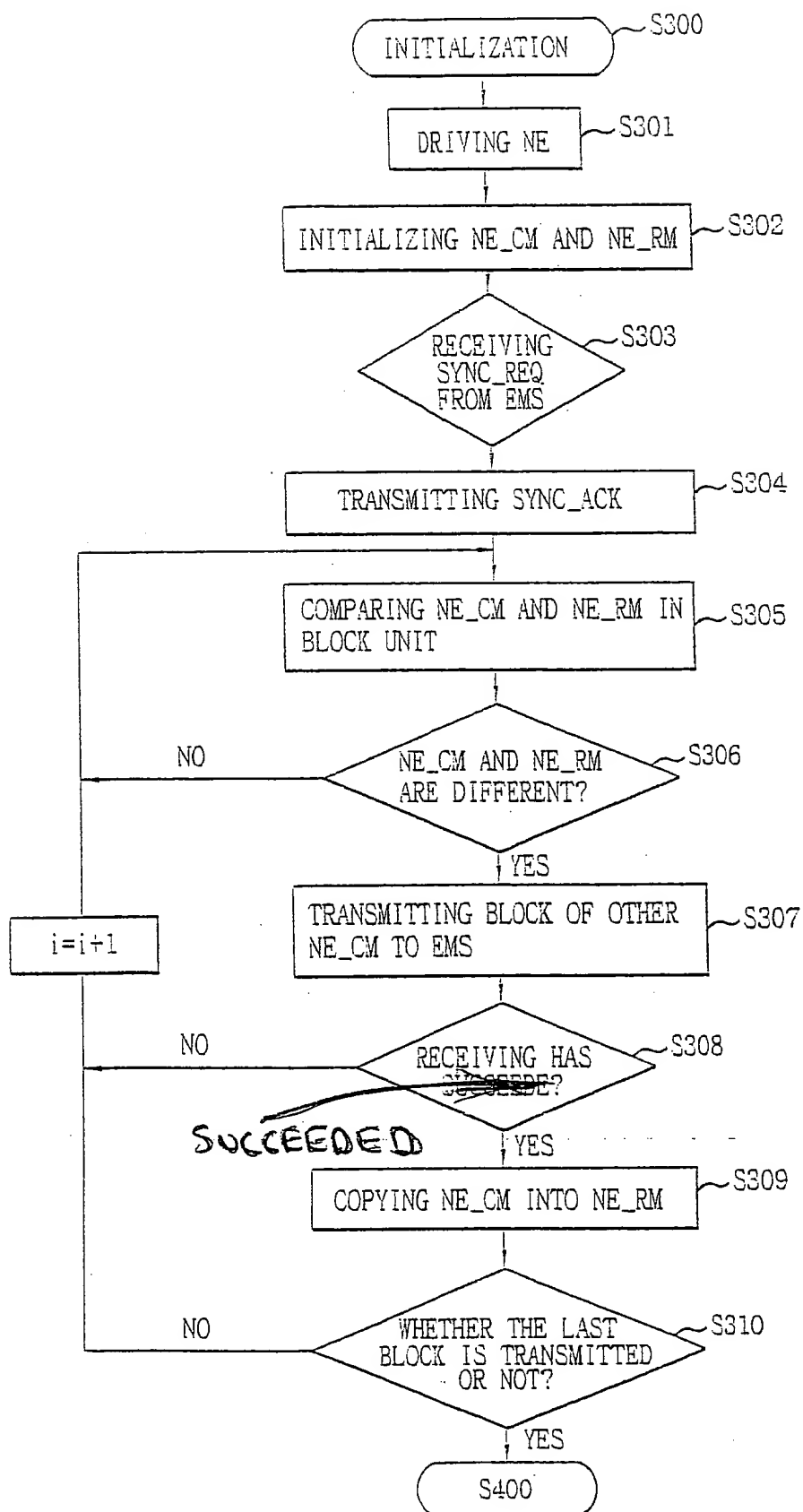




FIG. 5

